

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Robbyjoe V Yabut,
Plaintiff(s),
vs.
Las Vegas Metro Police Department,
Defendant(s).

Case No. 2:24-cv-01014-APG-MDC

REPORT AND RECOMMENDATION TO DISMISS CASE

The Court previously granted pro se plaintiff Robbyjoe V Yabut's application to proceed in forma pauperis and after screening, dismissed his proposed complaint without prejudice with leave to amend. *ECF No. 9*. The Court gave plaintiff thirty days to file an amended complaint. *Id.* Plaintiff did not file an amended complaint in thirty days, but he did file a notice of chance of address. *ECF No. 11*. Plaintiff received another notice of the Court's screening order at the new law library email address after he filed his notice. *See docket entry at ECF No. 9 "(Copies have been distributed pursuant to the NEF - GA) Modified on 2/11/2025.*" Out of an abundance of caution, the Court sua sponte extended the deadline to file an amended complaint by another thirty days and directed the Clerk to resend a copy of the Court's earlier screening order to the plaintiff. *ECF No. 12*. In total now, over sixty days have passed from the Court's screening order and the plaintiff has now twice received notice of the screening order. Plaintiff has not filed an amended complaint pursuant to the Court's screening order.

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1 Plaintiff Yabut has apparently abandoned this case. For the reasons discussed in the Court's
2 earlier screening order (ECF No. 9), plaintiff's case should be dismissed. Plaintiff will not be prejudiced
3 because he has an opportunity to object to this report and recommendation.

4 ACCORDINGLY,

5 The Court RECOMMENDS that this action be DISMISSED and Judgment entered.

6 It is so recommended.

7 Dated April 15, 2025.

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10 Hon. Maximilian D. Couvillier III
11 United States Magistrate Judge

12 **NOTICE**

13 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
14 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
15 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
16 may determine that an appeal has been waived due to the failure to file objections within the specified
17 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
18 objections within the specified time and (2) failure to properly address and brief the objectionable issues
19 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
20 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
21 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file
22 written notification with the court of any change of address. The notification must include proof of
23 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by
24 counsel. Failure to comply with this rule may result in dismissal of the action.